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HUMAN RIGHTS COMMITTEE

Sixty-ninth session

SUMMARY RECORD OF THE 1839th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 10 July 2000, at 10.30 a.m.

Chairperson: Ms. MEDINA QUIROGA

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(a) TWELFTH MEETING OF CHAIRPERSONS

The meeting was called to order at 10.40 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the sixty-ninth session of the Human Rights Committee. She welcomed all the Committee members and Mr. Ramcharan, Deputy High Commissioner for Human Rights.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) welcomed the members of the Committee on his own behalf and on behalf of the High Commissioner for Human Rights, who had been called away from Geneva by her duties. The High Commissioner attached the greatest importance to the human rights treaty bodies and their work of establishing jurisprudence, and she was constantly seeking to secure additional resources for them. She thanked the members of the Committee for the efforts they were making year after year to develop a universal human rights culture. The Human Rights Committee shared with the Committee on Economic, Social and Cultural Rights the historic responsibility of watching over the implementation of the International Bill of Human Rights. The dawn of a new century was the right time to ponder the strategic importance of the International Covenant on Civil and Political Rights and the direction the Committee's work should take. As the ILO Committee on the Application of Conventions and Recommendations had recalled, the first criterion on which a country should be judged was not its political, social or economic organization but the respect it showed for its internationally recognized obligations. The first resolutions adopted by the General Assembly after the Covenant's entry into force had emphasized the need for the Committee to establish universal standards for the implementation of all the provisions of the Covenant. That recommendation remained in force even as other activities, such as capacity strengthening, human rights education and the promotion and protection of human rights at the national level, were developed. It would be wise, then, for the Committee to reflect on the strategic nature of its work and its interconnection with those other activities. International human rights standards, as set out in the various relevant instruments, should serve as a general framework and support for the establishment and strengthening of national constitutional, legislative, executive, judicial and educational systems. In that connection, he suggested that the Committee should spend a little time studying the "World Report on Human Development", in order to measure the gap that sometimes existed between theory and practice and to work in parallel with UNDP's 130 or so field offices. Lastly, on his own behalf and on behalf of the High Commissioner, he reaffirmed his resolve to work to enhance the Committee's resources and to further the development of the inseparable concepts of national systems and human rights strategy.

3. The CHAIRPERSON thanked the Deputy High Commissioner for his interest in the Committee's activities and welcomed his evident determination to improve its working conditions.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CCPR/C/141)

4. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

5. Mr. DE ZAYAS (Secretary of the Committee) said, in response to a question from Ms. EVATT, that the "World Report on Human Development" would be distributed to members in a few days.

6. Mr. LALLAH said that, given the need to coordinate with UNDP, the Committee should start looking at the "World Report on Human Development" during the last week of the session.

7. Mr. KRETZMER proposed that the meetings scheduled for the consideration of general comments in the Committee's provisional work programme should give priority to the consideration of communications pending since the previous session in New York.

8. The CHAIRPERSON suggested that the Committee should consider those communications at the morning meeting on Thursday, 13 July. She announced that she had received a letter from the High Commissioner for Human Rights asking the Committee to appoint one of its members as coordinator to attend the meetings of the Working Group on the Right to Development and suggested that the Committee should think about that in readiness for the next meeting. Since the joint Working Group on communications and article 40 had met in the week before the session, she would ask Mr. Wieruszewski and Mr. Yalden, responsible for article 40 and communications respectively, to report on the Group's activities.

9. Mr. WIERUSZEWSKI said that the Working Group on article 40 had discussed the list of issues for each of the periodic reports submitted under article 40 for consideration by the Committee in October 2000 (Trinidad and Tobago, Uzbekistan, Denmark, Peru, Argentina and Gabon) and adopted recommendations on them. The Group had heard oral statements from representatives of a number of specialized agencies containing information on the reports the Committee would be examining and had studied written contributions from several NGOs. It had also been visited by the High Commissioner, who had announced that a Petitions Unit was to be established.

10. Mr. YALDEN, summarizing the activities of the Working Group on communications, said that the Group had adopted seven recommendations on Views and one recommendation declaring a communication inadmissible.

11. Mr. WIERUSZEWSKI said the High Commissioner had explained that the Petitions Unit would consist of highly qualified specialists headed by persons at the L.5 level and that its competence would extend to all communications addressed to the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. Work would benefit from being carried out by specialists representing all legal systems. The High Commissioner had not said how large the Unit would be, but she had said that financing had already been secured.

12. Lord COLVILLE recalled that he had said over and over again, and would repeat for as long as necessary, that the High Commissioner should make a definitive statement on the subject, which should be annexed to the Committee's annual report.

13. Mr. BHAGWATI endorsed Lord Colville's remarks and asked whether any communications had been prepared for the Committee's consideration at the current session in addition to those already scheduled for consideration and, if so, how many.

14. Mr. WIERUSZEWSKI said that, in the absence of a specific figure, the secretariat might wish to give an estimate of the cases which had already been registered and those which had not yet been registered.

15. Ms. EDELENBOS (Office of the High Commissioner for Human Rights) said that the Committee would have before it two recommendations from the Special Rapporteur for new communications. She would be able to give a more precise figure for the rest towards the middle of the following week.

16. Mr. SCHEININ, adding to what had been said by Mr. Bhagwati and Mr. Wieruszewski, considered it unacceptable that the Committee should examine only a dozen or so communications per session; the number should be nearer 30. In that connection, he welcomed the information given by the High Commissioner and her Deputy because it was indeed essential that the situation should improve fast.

17. Ms. CHANET supported Mr. Scheinin and added that, since it had been decided to reduce the number of reports considered at the July session in order to spend more time on communications, the Committee was in duty bound to examine a larger number of communications if it wanted to continue to do good work and not waste time.

18. The CHAIRPERSON agreed with all the points that had been made but observed that for the time being the Committee was working in extremely difficult conditions regarding both reports and communications.

(b) PREPARATORY COMMITTEE FOR THE WORLD CONFERENCE ON RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

19. Mr. SOLARI YRIGOYEN reported on the session of the Preparatory Committee for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, at which he had represented the Human Rights Committee, alongside representatives of United Nations Member countries and senior officials representing the United Nations, its human rights bodies, the specialized agencies, and intergovernmental and non-governmental organizations. The session had been presided over by the Ambassadress of Senegal, Ms. Mary Robinson had given the opening address and Ms. Nkosana Dlamini-Zuma, Minister of Foreign Affairs for South Africa, had also spoken.

20. The Conference had set itself seven goals; to examine the progress achieved and evaluate obstacles to that progress, to seek means of guaranteeing the improved implementation of existing norms, to raise awareness of racism and its consequences, to make recommendations on means of combating racism more effectively, to analyse the political, historical and other factors which had contributed to racism, to make recommendations on the adoption of new national, regional and international measures, and to provide the United Nations with the financial resources that would allow it to work effectively.

21. The Conference would have to do its best to keep to practical matters - conflict prevention, the reduction of ethnic and racial tensions, and respect for differences. It would be the third conference of its kind and would take place in South Africa.

22. Given the goals proposed, the Conference would have to study, inter alia, the sources, causes and forms of contemporary manifestations of racism, concern itself with the victims of that scourge, and consider the necessary preventive, educational and protective measures to be taken at the national, regional and international levels, as well as means and strategies for action, including cooperation between the United Nations and other international bodies.

23. The Preparatory Committee had taken into account the conclusions reached by four preparatory meetings, whose reports had been published under the symbols mentioned below: the Expert Seminar on Remedies Available to the Victims of Racial Discrimination, Xenophobia and Related Intolerance and on Good National Practices (A/CONF.189/PC.1/8); the Consultation on the World Conference against Racism (A/CONF.189/PC.1/10); the Expert Seminar on Racism, Refugees and Multi-ethnic States (A/CONF.189/PC.1/9) and the Montreal International Seminar on Intercultural and Multicultural Education (E/CN.4/Sub.2/AC 5/2000/WP.4).

24. Several reports had been submitted to the Preparatory Committee. The High Commissioner had prepared a report (A/CONF.189/PC.1/3) based on a questionnaire which had been sent to States, specialized agencies, and international governmental and non-governmental organizations with a view to reviewing progress made in the fight against racism and the obstacles to further progress. She had also submitted a report (A/CONF.189/PC.1/5) prepared after research and consultations on the use of the Internet for the purpose of incitement to racial hatred and xenophobia. The aim had been to find a way to promote international cooperation and to develop a human rights education programme and an Internet programme where different experiences with the fight against racism could be shared.

25. The secretariat had also submitted a report (A/CONF.189/PC.1/4) on ways of improving coordination between the Office of the High Commissioner and all Specialized Agencies and other organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance.

26. Lastly, the Secretary-General had prepared two reports for the Preparatory Committee. The first (A/CONF.189/PC.1/17) included recommendations by the specialized agencies, other international organizations, concerned United Nations bodies and regional organizations, such as the United Nations Development Fund for Women, ILO, UNESCO and the International Organization for Migration, and the second (A/CONF.189/PC.1/11) a study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment.

27. The special rapporteurs had also contributed to the work of the Preparatory Committee. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had studied preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts (A/CONF.189/PC.1/6), as requested by the Commission on Human Rights, but had been unable to present the study himself. Mr. Amor, the Commission's Special Rapporteur on religious intolerance, had worked on a study which the Secretary-General

had submitted on racial discrimination and religious discrimination, their identification and appropriate measures. Mr. Amor, in his capacity as Special Rapporteur, had participated in the Preparatory Committee session with Mr. Bhagwati. The Special Rapporteur on the human rights of migrants, Ms. González Pizzaro, had presented a report on discrimination against migrant men and women (A/CONF.189/PC.1/19).

28. Several bodies established under human rights instruments, namely the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child had also submitted contributions for the World Conference. The Human Rights Committee was to have submitted a document to the Preparatory Committee, but for technical reasons it had not been distributed; it would be ready by the second session of the Preparatory Committee, to be held in May 2001 in Geneva.

29. The Sub-Commission on the Promotion and Protection of Human Rights had submitted a report on ways of making United Nations actions and mechanisms in the fight against racism more effective (A/CONF.189/PC.1/13 and Add.1). Several NGOs had also submitted reports. Before the end of the session, the Preparatory Committee had adopted its report to the General Assembly.

30. He then summarized the speech he had made to the Preparatory Committee. He had described the Committee, its members - 18 experts from all the regions of the world in which the 144 States parties to the International Covenant on Civil and Political Rights were situated, and its role of combating racial discrimination and ensuring implementation of civil and political rights and economic, social and cultural rights. The Committee had enabled the Covenant to be implemented in individual cases. It had thus developed a body of jurisprudence which was published annually in its reports to the General Assembly and on the High Commissioner's Office Web site, gave specific form to the norms of the Covenant and made them more prominent, particularly in action to combat discrimination against ethnic minorities.

31. He had stressed that certain general comments of the Human Rights Committee, such as comments Nos. 11, 15, 18 and 27, concerned subjects that would be discussed at the World Conference. The concluding observations it had made after considering the reports of States parties had clearly shown that neither racism nor discrimination had been eliminated from the developed or less developed countries. He had ended his address by noting that the right not to be discriminated against would never be fully attained and that the Human Rights Committee would continue its unflagging efforts to drive back the bounds of discrimination.

32. Ms. EVATT welcomed the fact that, after many setbacks, Mr. Solari Yrigoyen had been able to attend the Preparatory Committee session. However, she found it most regrettable that the contribution prepared by the Committee had not been distributed. She would like to know if the text had been translated into all languages and transmitted to the Secretary-General.

33. Mr. KLEIN asked whether, as the Conference would be covering such a variety of topics, it would focus on certain specific points. He believed, for example, that xenophobia and racism were not commensurate and inquired whether a distinction would be made between them or whether they would be considered as one and the same.

34. Mr. BHAGWATI, said that, like his colleagues, he was surprised that the Committee's contribution, which Mr. Kretzmer had prepared so carefully, had not been ready for presentation to the Preparatory Committee. He believed it was high time to prepare a general comment on racism, racial discrimination, xenophobia and related intolerance. In that way the Committee would not lag behind the High Commissioner's Office and would be able to adopt the text of the comment at the Committee's October session, with a view to its distribution to participants at the next session of the Preparatory Committee for the World Conference.

35. Mr. HENKIN noted that frequent mention was made of "other forms of discrimination" and wondered whether it was planned to discuss two particular aspects of the issue, namely, discrimination prompted by the existence of a handicap and discrimination based on sexual preference.

36. Mr. KRETZMER pointed out that Mr. Scheinin and he himself had merely compiled a number of salient points drawn from the Committee's concluding observations, its Views on communications and some of its general comments which they had felt might prove useful during the deliberations of the World Conference. The document thus prepared was in English, but the various texts it recapitulated were available on the Internet in French and Spanish as well. Consequently, he failed to understand why the document had not been issued in the relevant languages before the Preparatory Committee's session.

37. Mr. DE ZAYAS (Secretary of the Committee) explained the various difficulties which had prevented the Preparatory Committee from duly receiving the document prepared by the Committee. The secretariat of the Human Rights Committee had not received the text until two weeks before the Preparatory Committee's session. Moreover, it was a very lengthy document, some 100 pages long. The secretariat responsible for organizing the World Conference had reckoned that, in those conditions, it would not be possible to translate, publish and distribute the text before the first meeting of the Preparatory Committee, as the Secretariat itself and the translation sections did not have the necessary capacity. He had then suggested preparing a summary, but Mr. Scheinin and Mr. Kretzmer had not been amenable to that solution. In those circumstances the Human Rights Committee secretariat had ensured that Mr. Solari Yrigoyen received at least the Spanish version of the document. Sets of documents had been prepared in all the Committee's working languages and given to the Conference secretariat before the opening meeting of the Preparatory Committee. It should be noted, in addition, that the other treaty bodies had sent documents that were only a few pages long some 10 weeks before the opening of the session, thus facilitating their publication. That said, the World Conference secretariat had stated that it would be possible for the Committee to publish the document in time for the informal consultations to be held the following September. The Committee members who had drafted the document should therefore let the secretariat know promptly if they wanted to amend or shorten it or if it could be published as it stood.

38. The CHAIRPERSON said she particularly regretted that that situation had occurred as Committee members had been requested to make a special effort to submit a document to the Preparatory Committee; the least that could be expected was that that effort should not have been in vain. Moreover, she had not been informed until that day that the document had not been issued, which was also regrettable. In addition, she understood that the document was still not available in French and Spanish. That situation must be rectified urgently; that should not pose a

problem as what was involved was a compilation of texts that already existed in the Committee's working languages. The secretariat should make a point of distributing the text promptly to members so they could comment if they so wished.

39. Mr. SOLARI YRIGOYEN observed that if the other treaty bodies had sent documents to the World Conference secretariat 10 weeks before the opening of the Preparatory Committee's session, it was because they had been invited to do so much earlier than the Human Rights Committee, which had only received the request the previous March, during its sixty-eighth session.

40. In reply to a question asked by a Committee member, he said that the World Conference should make a joint study of questions relating to racism, racial discrimination, xenophobia and related intolerance. Furthermore, it had been stated at the Preparatory Committee's session that forms of discrimination other than those included in the Conference title would not be discussed.

41. Mr. SCHEININ considered that the only realistic way to submit a contribution to the session of the Preparatory Committee within the time limit was to draft a short introduction and to compile already existing documents. The only text that would need translation was the introduction, as the others were readily available in the relevant languages via the Internet. Consequently, it was particularly regrettable that the document had not been submitted as the Committee had expected.

42. The CHAIRPERSON conveyed her apologies to members who had made efforts to submit a document to the Preparatory Committee session. She hoped that the Human Rights Committee would be able in the next few days to consider the text of the document, in the various languages, for submission on the occasion of the informal consultations to be held the following September.

(a) TWELFTH MEETING OF CHAIRPERSONS

43. The CHAIRPERSON reported on the twelfth meeting of chairpersons of human rights treaty bodies held from 5 to 8 June 2000. The meeting report had been distributed to members in a preliminary version without a symbol, in English only. She drew attention to the main items of the meeting's agenda, contained in appendix I of the report, singling out in particular the issue of cooperation between treaty bodies and the specialized agencies, funds, programmes, mechanisms and NGOs. During the meeting, a representative of the United Nations Population Fund (UNFPA) had laid particular stress on measures that should be taken in order to include the right to reproductive health dimension in United Nations human rights activities. He had suggested that a workshop be convened to that end, in collaboration with the Office of the High Commissioner for Human Rights. A representative of UNDP had mentioned the Memorandum of Agreement that had been concluded between UNDP and the High Commissioner's Office in 1998 and the cooperation thus established with the Committee on Economic, Social and Cultural Rights. UNDP regularly submitted information on country situations to that Committee, and could do likewise for the Human Rights Committee. It wanted to increase its technical cooperation activities, with the need to promote human rights in mind. It would, for

example, like to propose that States undertake technical cooperation activities based on guidelines established by the Committee, which would promote the development of a human rights culture at the national level.

44. The UNAIDS representative had requested that the recommendations made after consideration of State party reports by treaty bodies and, in particular, by the Committee, include the question of the effect of AIDS on human rights. In that manner they would be helping to fight that terrible scourge.

45. The UNESCO representative had stressed the substantial efforts made by his organization to publicize the international human rights instruments and the activities of the treaty bodies set up under them. He had requested that those bodies think of other measures UNESCO could take in order to help them in their task.

46. The representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) had sought the views of the treaty body chairpersons concerning the policy document UNHCR had published in 1997. He had also requested that the treaty bodies pay greater attention to the particular problems faced by stateless persons and consider allowing a UNHCR representative to take part in the consideration of communications dealing with cases of stateless persons. That would be a totally new procedure for the Committee, and she invited members to think about it. The chairpersons had also held an informal consultation meeting with State party representatives. That meeting had proved very useful and had provided an opportunity to remind the representatives that in the composition of the treaty bodies a balance must be struck between the various regions of the world and between the sexes. It was equally important to make sure that the experts whose candidatures were submitted by States parties were truly independent.

47. The States parties, for their part, had said that the preparation of periodic reports was an onerous task and wished to know how the treaty bodies solved certain problems. Of particular note was the fact that State party reports were sometimes considered three or four years after they had been submitted, which was hardly satisfactory. The treaty bodies apparently did not follow a standard practice in that kind of situation. The same held true for cases where a State party did not send representatives to meetings at which its report was under consideration. The State party representatives had expressed a wish for better coordination among the various treaty bodies with regard to the procedure to be followed in those situations. And they had asked what measures should be taken to avoid contradictory interpretations by the different treaty bodies of human rights norms, which obviously caused some confusion. Lastly, they had requested that, at the following meeting of chairpersons, an entire day should be devoted to discussions with the State party representatives, which should be based on a report concerning the measures taken following the previous informal consultations, and take place in accordance with a clearly-established agenda.

48. In that regard, she suggested that the Committee should consider devoting a few hours, at its seventieth session in autumn 2000, to preparing for the next informal consultations between chairpersons and State party representatives to be held in 2001. Drawing up an agenda was particularly important for the deliberations of the meeting of chairpersons.

49. The chairpersons' meeting with the special rapporteurs of the treaty bodies had proved to be of limited use because it had not followed a structured agenda. It would therefore be advisable to draw one up for the 2001 meeting. It had nevertheless been decided to develop closer contacts between the treaty body secretariats and the special rapporteurs so as to help them exchange views and to monitor progress on all sides, in particular with regard to follow-up action arising from the concluding observations adopted by the treaty bodies following the consideration of State party reports.

50. Another subject that had been broached was that of drawing up human rights indicators. The ensuing discussion had been very interesting. The Human Rights Committee, for example, requested from States parties information on the average length of pre-trial detention, the maternal mortality rate, etc., and could use that information to draw up a list of indicators which it could subsequently submit to the High Commissioner's Office.

51. The so-called regional strategies of the High Commissioner's Office had also been discussed. To date, the High Commissioner had appointed advisers for three regions, and a Committee member, Mr. Bhagwati, had been chosen for the Asia-Pacific region. It would be instructive for the Committee to invite the advisers to describe their activities to it.

52. Lastly, she drew members' attention to a recommendation made by the meeting of chairpersons that the secretariat should study the procedures followed at all of their meetings to date and draw up, before the thirteenth meeting, a list of points to be taken into consideration in establishing rules of procedure for subsequent meetings.

53. Ms. MORALES (Office of the High Commissioner for Human Rights) said that in January 2000 the High Commissioner had appealed for advance contributions to cover the backlog of work and that the plan of action adopted by the Committee was already in place. Regrettably, there were still substantial delays but the contributions made by Member States in 2000 had enabled the Office to recruit three new staff members to handle communications, specifically, in accordance with identified priorities, a Russian-speaker, a French-speaker and a jurist. On the other hand, since a communications branch had been set up, no funding was left to create a post of co-ordinator in the immediate future. Technical information meetings for new members of treaty bodies should be introduced as from the latter part of 2000. She invited Committee members to re-examine their priorities with the 2001 appeal for contributions in mind, and assured them that the High Commissioner's Office would continue its efforts to recruit additional staff.

54. Mr. LALLAH considered that the joint meeting between the special rapporteurs and chairpersons of treaty bodies had proved doubly useful. First, it had given the High Commissioner the opportunity to address everyone, by means of videoconferencing. Secondly, it had enabled participants to obtain precious information on work done outside their own treaty body, thus remedying any lapses by the secretariat, which was supposed to disseminate information among the various bodies but did not do so. He felt that Committee members should be able to study the agenda beforehand in order to ensure that the forthcoming deliberations of the joint meeting bore fruit. On the other hand, given the currently limited objectives of the meeting, it would be unreasonable to grant it a more official status.

55. Mr. YALDEN, supported by Mr. SOLARI YRIGOYEN and Ms. CHANET, said he was surprised to read in the chairpersons' report on the twelfth meeting that they had expressed appreciation for the Bayefski report; he had not been aware of its existence. He asked whether some indication could be given of the total amount of contributions paid to date.

56. Ms. LEE (Office of the High Commissioner for Human Rights) replied that, without being able to provide more specific information, the Bayefski report comprised a compilation of statistical data on the effectiveness of the treaty bodies; the initial and updated versions were available for consultation in the secretariat. She would look into the matter of contribution amounts and give the Committee an answer at a subsequent meeting.

57. Mr. HENKIN, supported by Mr. YALDEN, welcomed the informal consultations that were organized with States parties in order to help them draft their reports. Nonetheless, those consultations could and, in his opinion, should be an opportunity to develop follow-up action and to emphasize States parties' obligation to observe the provisions of the Covenant.

58. Ms. CHANET observed that the report on the chairpersons' twelfth meeting mentioned that progress had been made in developing indicators. She asked whether there had been any developments in that area in the light of the concerns the Committee had expressed at its previous session. On the question of informal consultations, she shared Mr. Henkin's view that it was regrettable that States parties were not made more attentive to the fact that they were under an obligation to comply with the Covenant. It would be complicated and difficult to hold informal consultations with each State party, particularly at a time when attempts were being made to organize formal meetings in order to facilitate follow-up. In any event, the questions taken up in the informal consultations should be of a strictly practical nature and should in no circumstances overlap those taken up in the formal consultations.

59. The CHAIRPERSON endorsed that opinion.

60. Lord COLVILLE said that indicators were a source of tension between statisticians and jurists, the former giving priority to quantitative data and the latter to qualitative data. However, those difficulties must be overcome for progress to be made. The issue should be placed at the top of the agenda, not only because the Committee had fallen behind in dealing with it (to the extent that the other treaty bodies had already established indicators, on the basis of which UNDP, in particular, chose the countries it aided), but also because a list of indicators would prove of valuable assistance when drawing up the lists of issues.

61. The CHAIRPERSON agreed with Lord Colville that, although they were no substitute for qualitative data, indicators could be very useful.

The meeting rose at 1.05 p.m.

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HUMAN RIGHTS COMMITTEE

Sixty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1840th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 10 July 2000 at 3 p.m.

Chairperson: Ms. MEDINA QUIROGA

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ORGANIZATIONAL AND OTHER MATTERS (continued)

Twelfth meeting of Chairpersons

* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1840/Add.1.

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GE.00-43155 (E)

The meeting was called to order at 3.15 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

Twelfth meeting of Chairpersons

1. The CHAIRPERSON invited Ms. Evatt to comment on the report on the twelfth meeting of persons chairing human rights treaty bodies.

2. Ms. EVATT said that every year the Committee discussed the report on the chairpersons' meeting, but decisions were rarely taken on it - a situation which should be rectified. The purpose of the chairpersons' meeting, namely to heighten the effectiveness of the human rights treaty body system in specific ways, entailed the identification of common problems and areas where the procedure and practice of those bodies could be harmonized. It would be advisable to examine fields where the mandates of bodies overlapped and to ascertain whether cooperation or coordination was possible in order to avoid duplication of efforts by States and treaty bodies. A further function of the chairpersons' meeting was to liaise with the other human rights mechanisms in the system so that they could benefit from each other's work. In addition, the meeting provided chairpersons with an opportunity to explore, together with other United Nations agencies, possibilities of including the human rights dimension in their activities. The conclusions and proposals emerging from the chairpersons' meeting should always be put on the agenda of the Committee and the latter should try to respond to each of them; otherwise, the meeting would be otiose. It might be helpful if the recommendations made in the report were first forwarded to the working group dealing with procedural improvements so that it could set priorities.

3. In her opinion, priority should be given to the recommendations contained in paragraphs 69, 78, 80 and 82. Paragraph 69 constituted progress towards the harmonization of the practices and procedures of the various Committees. One idea that the Human Rights Committee could promote was the procedure it was developing to deal with States which had not reported for a long time. Turning to paragraph 71, she thought that it might be useful to hear the views of States parties. There could be no follow-up to recommendations, as advocated in paragraph 72, if the Committee did not respond. She considered that chairpersons did not so much require rules of procedure as goals and terms of reference. As far as paragraph 77 was concerned, she felt that technical briefing would be useful and that a practical response to human rights indicators was needed. On the other hand, education was not perhaps a high priority for the Committee. In connection with paragraph 80, she agreed that it would be helpful to receive information about the work of the Special Adviser on Regional Strategies. She foresaw no problems in respect of the recommendation in paragraph 82 and urged the Committee to play a very active role in preparations for the World Conference against Racism.

4. The CHAIRPERSON invited the Committee to comment on paragraphs 70, 72, 79, 83 and 88 before the next meeting of chairpersons. Did the Committee agree with Ms. Evatt's proposal that the report be passed to the working group chaired by Mr. Klein? Should it be discussed immediately or at a later stage?

5. Mr. BHAGWATI said that it might be better to discuss the report after members had had more time to study it.

6. Mr. KLEIN, referring to the Plan of Action for strengthening implementation of three treaties (contained in document HRI/MC/2000/4), said he welcomed the fact that the follow-up to treaty body recommendations was mentioned in the document, because lack of action on the Committee's recommendations constituted one of the worst gaps in the monitoring system. The only coordination of follow-up to treaty body recommendations referred to in paragraphs 34 et seq. and 44 et seq. of the document concerned technical assistance. Had any suggestions been made at the chairpersons' meeting which might offer a common basis for following-up treaty body recommendations? The problems encountered in each field were identical; perhaps some consideration should therefore be given to the establishment of a joint unit in the Office of the High Commissioner which would collect and pass on information to treaty bodies.

7. His second point concerned the strengthening of cooperation between treaty bodies and experimenting with "new methods of work". What was meant by new methods of work? Paragraph 45 of document HRI/MC/2000/4, examined the difficulties caused by overlapping. It was very important to develop a common approach to related treaty provisions, although the different definitions contained in the various instruments made it difficult to arrive at a consistent interpretation. For example, reservations might be made to a provision on a particular topic in one treaty, but not to a similar clause of another treaty; and that situation affected interpretation.

8. The CHAIRPERSON pointed out that paragraph 45 of document HRI/MC/2000/4 was closely related to the recommendation made in paragraph 69 of the report on the chairpersons' meeting. A year earlier it had been suggested that an inter-committee meeting be convened. Financially such a meeting was feasible, but it was necessary to decide what the subject of the meeting should be, otherwise there would be no point in holding it. The Committee should express its opinion on that matter.

9. Mr. ZAKHIA said that the real difficulty lay in the increasing number of reports and communications submitted. It was vital to establish priorities. Reports concerned the whole population of a country, whereas communications affected one or two individuals. The Committee's role should be reconsidered since there was a danger that it would not have time to deal with reports with the requisite thoroughness.

10. Mr. BHAGWATI drew attention to the fact that the Committee did not know whether a country had followed its recommendations until four to five years had elapsed. In order to remedy that situation, a meeting was to be convened in south Asia at the end of September with

human rights non-governmental organizations (NGOs) in order to investigate ways of training them and showing them how they could help treaty bodies by reporting to them on follow-up. A similar meeting would be organized in south-east Asia and north-east Asia.

11. The CHAIRPERSON said that follow-up had been leitmotiv of the chairpersons' meeting. Help was in fact available from several quarters. For example, officials from the United Nations Development Programme could indicate what recommendations had been implemented and what technical assistance was required by States to that end. Similarly NGOs were very willing to participate in follow-up, but the Committee must react to the information they supplied.

12. She announced that the Committee had received an invitation to a seminar on the right to development which would be held in Geneva at the end of August.

The public part of the meeting rose at 3.40 p.m.